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JUL 12 2004

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OFFICIAL

## FACSIMILE TRANSMITTAL

DATE: July 12, 2004

TO: U.S. Patent & Trademark Office  
Examining Group 1600 FAX NO.: 1-703-872-9306  
FROM: John B. Alexander, Ph.D. FAX NO.: 617-439-4170

Our Docket No.: 48460 (70157) No. of Pages (incl. cover): 18

Re: U.S. Serial Number 09/890,112

### MESSAGE:

Please enter the attached Amendment.

### NOTICE

The message and/or information which accompanies this facsimile cover sheet is intended for the addressee named above only. If you are not the intended recipient, please contact the sender by collect telephone at the number indicated. You will be advised regarding the disposition of what you have received. The mis-delivery of the message and/or information which accompanies this facsimile cover sheet is not intended to be and shall not constitute a disclosure of trade secrets, of attorney work product or of an attorney-client communication. No waiver of any privilege is intended. Thank you for your attention to this matter.

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BOSTON      HARTFORD      NEWPORT      NEW YORK      PALM BEACH      PROVIDENCE      SHORT HILLS

Practitioner's Docket No. 48460 (70157)**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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APPLICANT: A Rosowsky

JUL 12 2004

SERIAL NO: 09/890,112

EXAMINER: T. McKenzic

FILED: July 26, 2001

GROUP: 1624

FOR: PHARMACEUTICALLY ACTIVE COMPOUNDS AND METHODS OF  
USE THEREOF**OFFICIAL****Commissioner for Patents****P.O. Box 1450****Alexandria, VA 22313-1450****AMENDMENT TRANSMITTAL**

1. Transmitted herewith is a Request for Reconsideration for this application.

**STATUS**

2. Applicant is

a small entity. A statement:  
 is attached.  
 was already filed.  
 other than a small entity.

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))**

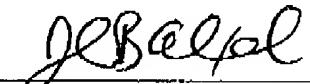
I hereby certify that, on the date shown below, this correspondence is being:

**MAILING****FACSIMILE**

deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile to the Patent and Trademark Office at 703 872 9306

Date: July 12, 2004

  
 Signature  
John B. Alexander, Ph.D.

(type or print name of person certifying)

(Amendment Transmittal--page 1 of 4)

## EXTENSION OF TERM

**NOTE:** *"Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** *See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.*

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b), as applicable)*

(a)  [ ] Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> [ ] one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> [ ] two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> [ ] three months	\$ 95.00	\$ 475.00
<input type="checkbox"/> [ ] four months	\$ 1,480.00	\$ 740.00

Fee: \$210.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

[ ] An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 210.00

OR

(b)  [X] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal--page 2 of 4)

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

<b>(Col.1)</b> Claims Remaining After Amendment	<b>(Col. 2)</b> Highest No. Previously Paid For	<b>SMALL ENTITY</b>			<b>OR</b>	<b>OTHER THAN A SMALL ENTITY</b>	
		Present Extra	Rate	Addit. Fee		Rate	Addit. Fee
			<b>\$9.00</b>	\$		<b>\$18.00</b>	
	Independent Claims		<b>\$42.00</b>	\$		<b>\$84.00</b>	
	First Presentation of Multiple Dependent Claim+		<b>\$140.00</b>	\$		<b>\$280.0 0</b>	
						<b>Total Addit. Fee</b>	

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
- \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** *"After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).*

*(complete (c) or (d), as applicable)*

(c)  No additional fee for claims is required.

**OR**

(d)  Total additional fee for claims required \$ \_\_\_\_\_.

**FEE PAYMENT**

5.  Attached is a check in the sum of \$0.00.

Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

A duplicate of this transmittal is attached.

(Amendment Transmittal—page 3 of 4)

**FEE DEFICIENCY**

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6.  If any additional extension and/or fee is required, charge Account No. 04-1105.

**AND/OR**

If any additional fee for claims is required, charge Account No. 04-1105.

Date: July 12, 2004

Reg. No. 48,399

Tel. No. (617) 439-4444

Customer No. 21874

---

**SIGNATURE OF PRACTITIONER**

  
John B. Alexander, Ph.D.  
(type or print name of practitioner)

Edwards & Angell, LLP  
P.O. Address

P.O. Box 55874, Boston, MA 02205

(Amendment Transmittal-page 4 of 4)

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Docket No. 48460 (70157)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: A Rosowsky

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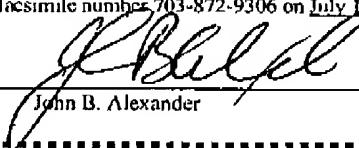
FOR: PHARMACEUTICALLY ACTIVE COMPOUNDS AND METHODS OF USE  
THEREOF

**Mail Stop: No-Fee Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to Group 1600 of the U.S. Patent & Trademark Office by facsimile number 703-872-9306 on July 12, 2004.

By: 

John B. Alexander

Sir:

AMENDMENT

Applicants are in receipt of the Office Action dated April 29, 2004 and request reconsideration of the above-identified application in view of the following amendments and remarks. Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 12 of this paper.